



TRINITY COUNTY
PLANNING DEPARTMENT
NATURAL RESOURCES DIVISION

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TO: Trinity Adaptive Management Working Group

SUBJECT: Agenda Item No. 3 for June 19-20 TAMWG Meeting, Trinity River Bridges Draft EIR/EA

BACKGROUND:

The Trinity River Record of Decision (Trinity ROD) was signed by former Interior Secretary Bruce Babbitt and former Hoopa Valley Tribal Chairman Duane Sherman on December 19, 2000. It was the result of nearly 20 years of studies of the Trinity River and its fisheries. The Trinity River Mainstem Fishery Restoration EIS/EIR (Trinity EIS/EIR) was the NEPA/CEQA document upon which the Trinity ROD was based.

The Trinity ROD included the following items:

- A variable flow regime between 369,000 acre-feet (af) and 815,000 af of water from Lewiston Dam based on 5 water year types, providing a weighted average annual flow of 594,500 af.
- A basin wide watershed restoration program to reduce fine sediment input to the Trinity River
- Mechanical restoration of 45 sites along the Trinity River to remove riparian berms and restore juvenile fish habitat
- Replace Spawning gravel with coarse sediment below Lewiston Dam in the mainstem Trinity River
- Infrastructure improvements in the floodplain, including modification or replacement of the Salt Flat, Bucktail, Poker Bar and Treadwell/Biggers Rd. bridge (off of Steelbridge Rd.), and limited private roads and structures
- An Adaptive Management Program and management structure

The lead agencies for the Trinity EIS/EIR were U.S. Bureau of Reclamation (USBR), U.S. Fish and Wildlife Service (USFWS), Hoopa Valley Tribe and Trinity County. In order to gauge a challenge in the federal courts before certifying the EIR, Trinity County did not certify the final EIR. The Westlands Water District, San Benito County Water Agency, San Luis/Delta Mendota Water Authority, Northern California Power Agency and the Sacramento Municipal Utilities District filed suit in the Eastern Federal District Court in Fresno to have the Trinity ROD set aside through an injunction.

In several rulings between March 2001 and March 2003, Federal District Court Judge Oliver Wanger subsequently ruled that the ROD was unlawful and he prohibited full implementation of the Trinity ROD. He ruled as follows:

- The ROD wasn't lawful
- The EIS had an improperly narrow purpose and need
- An inadequate range of alternatives was analyzed
- The EIS should have looked at an alternative which minimized the amount of water in river and maximized exports to CVP customers for out of basin uses, a so-called Integrated Management Alternative
- The USFWS Biological Opinion (BO) resulted in major modifications to CVP operations without a jeopardy opinion and the effects of implementing the BO were not properly disclosed

- The Reasonable and Prudent Measures (RPM's) in the National Marine Fisheries Service (NMFS) BO were not adequately defined for analysis in the EIS and improperly made implementation of the ROD a condition of compliance, which is circular in nature.
- Inadequate analysis of power implications in Northern California
- A Supplemental EIS must be completed by July 9, 2004 that must include new BO's from USFWS and NMFS. The new NEPA document must address the original deficiencies of the EIS and the NMFS and USFWS Biological Opinion Reasonable and Prudent Measures must be described in the draft document
- Fishery Flow releases are limited to 369,000 af in critically dry years and 453,000 af in dry, normal, wet and extremely wet years. An additional 50,000 af of water may be released down the Trinity in the summer of 2003 to avert a potential fish kill in the lower Klamath River, similar to last year's large chinook fish kill of 33,000 adult spawners, pending other actions in the Northern Federal District Court regarding USBR's Klamath Project operations
- **All non-flow actions were directed to proceed immediately (including the bridges)**

The Hoopa Valley Tribe requested a modification and stay of Judge Wanger's order in his court and an emergency request for a stay by the 9th Circuit Court of Appeals. Both requests were recently denied. The SEIS is being re-scoped due to a change in the alternatives being considered. The deadline for scoping comments will be sometime in June 2003, with hearings in Hoopa and Redding.

Trinity River fishery flow releases in 2003 (not counting the 50,000 af of water to avert a potential fish kill) are 453,000 af. Safety of Dams/Flood Control releases do not count toward the fishery flow releases.

SUMMARY:

The lead agencies for the Trinity River Bridges EIR/EA are Trinity County, Bureau of Reclamation and Bureau of Land Management. The proposed action is a new private bridge downstream of the existing bridge at Salt Flat, construction of a natural-bottom arch culvert and raising of the west approach at Bucktail, 2 new bridges immediately upstream of the existing 2 bridges at Poker Bar, and a new bridge approximately 135 feet upstream of the existing bridge at Biggers Road (off of Steelbridge Road).

The primary purpose of the Trinity River Bridges project is to modify or replace, as necessary, the existing Salt Flat, Bucktail, Poker Bar, and Biggers Road bridges across the Trinity River in order to accommodate possible future operational changes to the Trinity River Division of the Central Valley Project. The need for the project also stems from the existing high likelihood of flooding (pre-Trinity ROD) of the four bridges and/or their access roads with potential loss of property and lives; requirements in the Interior Secretary's December 29, 2000, Trinity River Record of Decision (ROD) to restore the Trinity River fishery through a combination of higher releases from Lewiston Dam (up to 11,000 cfs), floodplain infrastructure improvements (including modification or replacement of the Salt Flat, Bucktail, Poker Bar and Treadwell/Biggers Rd. bridge (off of Steelbridge Rd.), and limited roads and structures), channel rehabilitation projects, fine and coarse sediment management, watershed restoration, and an Adaptive Environmental Assessment and Management Program; and the directive of the United States District Court of the Eastern District of California, in Westlands Water District, et al., v. U.S. Department of the Interior, et al. (Civil Action CIV – F – 00-7124-WW/DLB) (E.D. Cal.) requiring that "[a]ll non-flow measures prescribed by the ROD shall proceed" while the Department of Interior prepares a supplemental EIS to remedy the defects in the original final EIS prepared for the December 29, 2000, ROD.

The Draft EIR/EA on the Trinity River Bridges Project was released on May 4, 2003. It is available on the Trinity County website at <http://trinitycounty.org/departments/planning/natresources.htm>. It is also available on the Bureau of Reclamation's website at http://www.mp.usbr.gov/mp150/envdocs/trinity_river_ea/draft/index.html. Hard copies and CD ROM copies were distributed to all who requested them. The cover letter for the Draft EA/EIR is attached.

The document consists of 4 volumes- Volume 1 is the Executive Summary, Volumes 2 and 3 are the Draft EIR/EA itself, and volume 4 is the Technical Appendices.

The deadline for comments is June 19, 2003 to the Trinity River Restoration Program office at P.O. Box 1300, Weaverville, 96093. The Trinity County Planning Commission held a workshop on May 8, 2003. The Planning Commission will hold a public hearing on the DEIR/EA on June 12. The Planning Commission will consider making a recommendation to the Board of Supervisors on the adequacy of the EIR on July 10, 2003. The Board of Supervisors is scheduled to consider certification of the final EIR at its July 15, 2003 meeting, with approval of the Finding of No Significant Impact (FONSI) by the Bureau of Reclamation and Bureau of Land Management shortly thereafter.

Funding for the EA/EIR and implementation of the Salt Flat and Biggers Road bridges has been obtained from the Bureau of Reclamation and the California Department of Fish and Game's Coastal Salmon Recovery Program. It is hoped that a construction contract will be awarded for those 2 bridges prior to 9/30/03, with completion the following summer of 2004. Funding is still being sought for the Poker Bar and Bucktail bridges. Until such time as the bridges and other structures are removed from harm's way, fishery flow releases are limited to 6,000 cfs.

The proposed actions at all four bridge sites are not considered significant if fully mitigated. If unmitigated, significant impacts may occur to land use, soils/erosion, water quality, fisheries, wetlands, geology, hazardous materials, wetlands, wildlife, threatened and endangered species, recreation, safety, cultural resources, air quality, noise, visual, transportation and circulation. From a California Environmental Quality Act perspective, the EA/DEIR identifies that adoption of Alternative 2 at Salt Flat (a public roadway) would have significant unmitigable impacts through disruption of adjacent land uses by creating a new public access site to the Trinity River in a residential area.

Selection of Alternative 2 at Salt Flat would require both eminent domain proceedings because landowners in the area are opposed to public access, and a CEQA "statement of overriding considerations" because of the unmitigable impact of a new public access site in a residential area. Public access to, over and along the Trinity River is not part of the purpose and need nor goals and objectives for this project, but appears to be an issue of concern to some reviewers. Because a public access alternative was fully analyzed at Salt Flat, the final decision makers do have the opportunity to select such an alternative as the Preferred Alternative.

Schedules and Costs

Construction costs:

Salt Flat \$1,350,000

Bucktail \$400,000

Poker Bar \$1,175,000

Biggers \$745,000

Total Construction Costs = \$3.67

Construction Costs plus contract administration, ROW and misc. costs= \$4.2 million

Schedule:

Contract award of first 2 bridges (Biggers and Salt Flat) = Sept. 2003, completion October 2004

Contract award of second 2 bridges (Bucktail and Poker Bar) = March 2004, completion October 2004.

Respectfully submitted,

Tom Stokely
Principal Planner